

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv311-RJC-DCK**

VENUS SPRINGS,

Plaintiff,

v.

**ALLY FINANCIAL, INC.,
f/k/a GMAC INC., AMY BOUQUE,
KATHLEEN PATTERSON,
YEQUIANG HE a/k/a BILL HE, &
CYNTHIA DAUTRICH,**

Defendants.

ORDER

THIS MATTER is before the Court on Ally Financial, Inc.'s first motion to dismiss (Doc. No. 2), filed on July 12, 2010. On July 28, 2010, the defendants filed a notice of removal of the plaintiff's amended complaint (Doc. No. 8), which was presumably served upon defendants after they had filed the initial notice of removal (Doc. No. 1).

It is well settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See, e.g., Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004) (defendants' earlier motions for more definite statement, to dismiss first amended complaint, and for summary judgment as to one count of first amended complaint rendered moot by filing of plaintiff's second amended complaint); and Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS, THEREFORE, ORDERED that Ally Financial's first motion to dismiss (Doc. No. 2) is **DENIED** as moot.

SO ORDERED.

Signed: October 7, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

